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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/531,977	04/20/2005	Philippe Roquiny	4004-068-30 NATL	5804
30448 7590 10/20/2008				
AKERMAN SENTERFITT				
P.O. BOX 3188				
WEST PALM BEACH, FL 33402-3188				
EXAMINER				
XU, LING X				
ART UNIT		PAPER NUMBER		
1794				
MAIL DATE		DELIVERY MODE		
10/20/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/531,977

Applicant(s)

ROQUINY, PHILIPPE

Examiner

Ling Xu

Art Unit

1794

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 19, 20 and 23-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 19-20, 23-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's amendments filed on 9/16/2008 have been entered.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 19-20, 23, 25-29, and 31 stand rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent no. 5,867,129, Sauer in view of United States Patent no. 6,356,236, Maeuser et al.

Regarding claims 1, 19-20, 23, and 25, Sauer discloses an automobile windshield including an electrically conducting layer, which also reflects infrared radiation, (column 3, lines 5-22). The conducting layer is provided with slits (window) which is permeable to electromagnetic radiation, (column 3, lines 30-50). As the windshield meets the structural limitations of Applicant's claimed vehicle glazing, it would be expected that the related physical properties would also be present, absent an objective showing to the contrary. See MPEP 2112.

Regarding the claimed limitation that the distance between the inside antenna and the glazing panel as being at most $2D^2/\lambda$, Sauer discloses that the antenna is on the transparent electrically conducting layer, accordingly, the distance between the

inside antenna and the transparent electrically conducting layer is about zero, which still meets the limitations of the amended claim 1.

Sauer does not specifically teach the use of a pattern on dots in the uncoated zone.

Maeuser et al disclose a coated substrate used in vehicles that is permeable to high frequency radiation, (abstract). The coated substrate has a portion of the substrate uncoated with said coating and covered with a pattern of dots.

Sauer and Maeuser et al disclose analogous inventions related to the use of a pattern of dots located in the uncoated portion of a substantially coated substrate that is used in a vehicle. It would have been obvious to one skilled in the art at the time of invention to modify the uncoated portion of Sauer with the dot pattern of Maeuser in order to increase the transmission of the desired range of the electromagnetic spectrum, (Maeuser, column 3, lines 5-54).

Absent a showing of criticality with respect to the diameter of the dots (a result effective variable), it would have been obvious to a person of ordinary skill in the art at the time of the invention to adjust the size of the diameter through routine experimentation in order to achieve a vehicle glazing structure that is permeable to the desired wavelength. It has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. In re Boesch, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

Regarding claims 26-29, and 31, the electrically conducting layer also enables the windshield to be electrically heated (Maeuser, column 1, lines 16-21).

3. Claims 1, 19-20, and 23-31 stand rejected under 35 U.S.C. 103(a) as being unpatentable over International Patent Application Publication WO 01/68395, WO '395 in view of United States Patent no. 6,356,236, Maeuser et al.

WO '395 discloses an automotive glazing comprising an electrically heatable solar control layer (reflects infrared radiation) with at least two data transmission windows in the coating (abstract). The shape of the window can have different geometries, (page 5, lines 5-13). The window can be an elongated structure, (page 4, lines 21-32). As the windshield meets the structural limitations of Applicant's claimed vehicle glazing, it would be expected that the related physical properties would also be present, absent an objective showing to the contrary.

Regarding the limitation that the distance between the inside antenna and the glazing panel as being at most $2D^2/\lambda$, WO'395 discloses that the distance between the electrically heatable solar control layer and the data transmission windows is about zero, which meets the limitations of the amended claim 1.

WO '395 does not specifically disclose the use of a pattern of dots in the uncoated area.

Maeuser et al disclose a coated substrate used in vehicles that is permeable to high frequency radiation, (abstract). The coated substrate has a portion of the substrate uncoated with said coating and covered with a pattern of dots.

Sauer and Maeuser et al disclose analogous inventions related to the use of a pattern of dots located in the uncoated portion of a substantially coated substrate that is

used in a vehicle. It would have been obvious to one skilled in the art at the time of invention to modify the uncoated portion of Sauer with the dot patter of Maeuser in order to increase the transmission of the desired range of the electromagnetic spectrum, (Maeuser, column 3, lines 5-54).

Absent a showing of criticality with respect to the diameter of the dots (a result effective variable), it would have been obvious to a person of ordinary skill in the art at the time of the invention to adjust the size of the diameter through routine experimentation in order to achieve a vehicle glazing structure that is permeable to the desired wavelength. It has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. In re Boesch, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

Response to Arguments

4. Applicant's arguments with respect to claims 1, 19-31, and 33-34 have been fully considered but they are not persuasive.

Applicant argues that the claim 1, as amended, includes the limitations of former dependent claim 21 and none of the three references provide any indication about an inside antenna and/or relative positioning of such an inside antenna.

The Examiner acknowledges that none of the three references specify the limitation that the distance between the inside antenna and the glazing panel as being $2D^2/\lambda$ as recited in claim 1. However, the claimed limitation recites that the distance is "at most $2D^2/\lambda$ ", which indicates that the distance can be from zero to $2D^2/\lambda$. Sauer

discloses that the antenna is on the transparent electrically conducting layer, accordingly, the distance between the inside antenna and the transparent electrically conducting layer is about zero, which still meets the limitations of the amended claim 1. Similarly, WO'395 also discloses that the distance between the electrically heatable solar control layer and the data transmission windows is about zero, which also meets the limitations of the amended claim 1.

Conclusion

5. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ling Xu whose telephone number is 571-272-7414. The examiner can normally be reached on 8:00 am- 4:30 pm, Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on 571-272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ling Xu
Primary Examiner
Art Unit 1794

/Ling Xu/
Primary Examiner, Art Unit 1794

Lx
October 14, 2008